

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

HOOLAE PAOA,)	CIVIL NO. 06-1-1358-08-KSSA
)	(Other Non-Vehicle Tort)
Plaintiff,)	
)	
vs.)	
)	
JACQUELINE A. MARATI,)	
LINA'LA SIN CASINO, AND DOES)	
1-10,)	
)	
Defendants.)	
)	

DEPOSITION TRANSCRIPT

OF

JACQUELINE A. MARATI

November 15, 2006

EXHIBIT A

PREPARED BY: GEORGE B. CASTRO
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 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

HOOLAE PAOA,)	CIVIL NO. 06-1-1358-08 KSSA
)	(Other Non-Vehicle Tort)
Plaintiff,)	
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JACQUELINE A. MARATI,)	
LINA'LA SIN CASINO, AND DOES)	
1-10,)	
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Defendants.)	
)	

Deposition of Jacqueline A. Marati, taken on Wednesday, November 15, 2006, at the hour of 9:00 a.m., at the law office of Richard A. Pipes, Suite 201, Orlean Pacific Plaza, 865 South Marine Corps Drive, Tamuning, Guam before a Notary Republic Officer of Depo Resources, pursuant to Notice. That at said time and place there transpired the following:

APPEARANCES

For the Plaintiff.	LAW OFFICE OF BAYS, DEEVER, LUNG, ROSE & BABA
	By: Bruce D. Voss, Esq

For the Defendant.	LAW OFFICE OF ARRIOLA, COWAN, & ARRIOLA
	By: Anita P. Arriola, Esq

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1 background beginning with say, high school?

2 A I attended and graduated from the
3 Academy of Our Lady of Guam in Hagatna.

4 Q Do you have any other education, post
5 high school other than that?

6 A Yes, I do. I attended and graduated
7 from Vassar College in Poughkeepsie, New York.

8 Q What was your degree?

9 A Political Science.

10 Q And what year was that?

11 A 1976.

12 Q Did you do any post graduate studies
13 after obtaining your degree in Political
14 Science from Vassar College in 1976?

15 A Yes, I've been sponsored at a number of
16 executive programs.

17 Q Could you please briefly list those
18 that you can to the best of your recollection?

19 A At Amos Tuck Business School, it was
20 the graduate school of credit and financial
21 management.

22 Q And what year was that?

23 A Early 80's.

24 Q Any--others?

25 A Yes. I am an Accredited Airport

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1 College?

2 A I was hired by Chase Manhattan Bank in
3 New York City, and completed their credit
4 management program.

5 Q How long did you work for Chase
6 Manhattan Bank?

7 A 1 year.

8 Q This was the Amos Tuck Business School?

9 A No, this is the credit -- this is
10 working with Chase Manhattan Bank in New York.

11 Q And what was the years approximately
12 that you worked for Chase Manhattan Bank?

13 A Right after graduation from college,
14 1976 to 1977.

15 Q What was your title if any, with Chase
16 Manhattan Bank?

17 A Corporate Officer, when it was
18 completed.

19 Q What was your next job or position?

20 A Wells Fargo Bank.

21 Q In what city?

22 A San Francisco.

23 Q What was your title or position with
24 Wells Fargo Bank in San Francisco?

25 A Corporate Banking Officer.

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1 Q What were your duties and
2 responsibilities as Corporate Banking Officer?

3 A Responsible for managing corporate
4 relationships for the bank.

5 Q What years did you work in that
6 position?

7 A 1977 to 1979.

8 Q What was your next position after that?

9 A Still with Wells Fargo, Special
10 Assistant to the Senior Vice President for
11 Planning.

12 Q What were your duties and
13 responsibilities as Special Assistant to the
14 Senior Vice President of Planning?

15 A Assisting her with the strategic plan.

16 Q And what were the years of that
17 position?

18 A 1977 -- I'm sorry, '79 to '81.

19 Q What was your next position after that?

20 A Merchant Banking Group.

21 Q Is that a company or is that a --

22 A No, part of Wells Fargo Bank.

23 Q This is still in San Francisco?

24 A Yes.

25 Q And what was your position with the

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1 Merchant Banking Group?

2 A Asset Sales.

3 Q What were your duties and
4 responsibilities as -- were you like Assistant
5 Vice President or what was --

6 A Yes.

7 Q Okay. What was your duties and
8 responsibilities as Assistant Vice President
9 for Asset Sales?

10 A We sold off loan participations to
11 correspondent banks.

12 Q And what years did you work in that
13 position?

14 A '81 -- 1983 I believe.

15 Q What was your next position after that?

16 A Retail Banking Group.

17 Q Is this still with Wells Fargo in San
18 Francisco?

19 A Yes.

20 Q Were you still an Assistant Vice
21 President with the Retail Banking Group?

22 A I was promoted to Vice President.

23 Q What were your duties and
24 responsibilities as Vice President for the
25 Retail Banking Group?

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1 A Sales Manager.

2 Q This was to sell or promote products
3 within the branch network or what?

4 A That's correct.

5 Q And what years did you have that
6 position?

7 A 1983 to 1984.

8 Q What was your next position after that?

9 A I then joined my then fiancé in a
10 company, Export Management & Trading.

11 Q That was the name of the company?

12 A That's correct.

13 Q Where was that located?

14 A San Francisco.

15 Q And what were your duties and
16 responsibilities with Export Management &
17 Trading?

18 A Administration.

19 Q Bookkeeping, that sort of thing?

20 A Some bookkeeping, some again,
21 administration for the company.

22 Q That was Mr. Marati then?

23 A That's correct.

24 Q And what is Mr. Marati's first name?

25 A Claudio.

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1 Q How long were you in that position as
2 the head of administration for the Export
3 Management Company?

4 A Approximately 10 years.

5 Q Those were all based in San Francisco?

6 A That's correct.

7 Q And that would take us to approximately
8 1994, is that right?

9 A That's correct.

10 Q And what was your -- what job or
11 position did you move to in 1994?

12 A Guam International Airport Authority.

13 Q And what was your position with the
14 Guam International Airport Authority?

15 A Chief of Administrative Services.

16 Q What were your duties as Chief?

17 A Responsible for H.R., public relations,
18 leases, procurement.

19 Q Obviously you returned -- well, strike
20 that. Let me -- perhaps I shouldn't assume
21 that. Did you return to Guam to take the
22 position as Chief of Administrative Services
23 for the Guam International Airport?

24 A Yes, I did.

25 Q Why did you return to Guam?

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1 A There was a divorce, and I returned
2 home with my 2 -- I returned home.

3 Q How long were you the Chief of
4 Administrative Services for Guam International
5 Airport?

6 A 5 years.

7 Q Takes us to approximately 1999?

8 A That's correct.

9 Q What was your next position in 1999?

10 A With the Bank of Guam.

11 Q What position did you take with the
12 Bank of Guam in 1999?

13 A Corporate Banking Officer.

14 Q And what were your duties and
15 responsibilities as Corporate Banking Officer
16 for the Bank of Guam?

17 A Responsible for managing corporate
18 relationships for the bank.

19 Q How long were you in that position?

20 A Approximately 2 years.

21 Q And, which would take us to I think,
22 approximately 2001. And please correct me if
23 I've got that wrong. What was your next
24 position with the Bank of Guam?

25 A Special Assistant to the President.

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1 Q What were your duties and
2 responsibilities as Special Assistant to the
3 President?

4 A Any and all duties as assigned, special
5 projects.

6 Q Were these generally marketing
7 projects, financial management projects, what
8 type of projects?

9 A Marketing projects and speech writing.

10 Q Who was the President of the Bank?

11 A The late Tony Leon Guerrero.

12 Q I apologize -- what was it?

13 A The late Tony Leon Guerrero.

14 Q Oh, Tony Guerrero (sic), okay. And how
15 long were you the Special Assistant to Mr.
16 Guerrero (sic)?

17 A Approximately two years.

18 Q Which would I think take us to 2003.
19 What was your next position at the Bank of Guam
20 in 2003?

21 A Marketing Administrator.

22 Q And what -- is that your current
23 position?

24 A No, it is not.

25 Q Okay. What is -- what were, rather,

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1 the duties and responsibilities as Marketing
2 Administrator for the Bank of Guam?

3 A Responsible for all marketing projects
4 and coordinating marketing activities for the
5 network.

6 Q How big a bank is the Bank of Guam?

7 A It is approximately 800 million in
8 assets.

9 Q How big a bank branch network?

10 A Approximately 21 branches.

11 Q Is it the largest bank on Guam?

12 A It is the largest locally owned bank on
13 Guam.

14 Q And just so we're clear here. Most
15 often banks are judged, I think, anyway, by
16 assets in terms of size. Some people prefer to
17 use deposits. But just so we're on the same
18 page, let's use assets. Which bank is larger
19 in Guam, although not a Guam registered or
20 chartered bank?

21 A I don't know.

22 Q I guess I thought you said it was the
23 largest --

24 A Locally.

25 Q Locally. Is there another banking

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1 institution that's larger here on Guam other
2 than the Bank of Guam?

3 MS. ARRIOLA: Objection, vague and
4 ambiguous.

5 BY MR. VOSS:

6 Q Again, I'm just trying to go off your
7 testimony.

8 A I don't know.

9 Q Okay, fair enough. How long were you
10 in the position of Marketing Administrator for
11 the bank?

12 A Approximately one year.

13 Q And, which would take us to 2004, I
14 think. What position at the Bank of Guam did
15 you assume in 2004?

16 A You know what? Let me make that
17 correction. About two years.

18 Q What position did you assume for the
19 Bank of Guam in 2005?

20 A Marketing and H.R. Administrator.

21 Q What were your duties and
22 responsibilities as Marketing and H.R.
23 Administrator?

24 A In addition to the marketing
25 responsibilities earlier outlined, I assume

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1 Q We'll be asking you some questions
2 relating to some of the statements made in the
3 affidavit you made. In the -- paragraph 2 on
4 page 1, you said, "I'm not an officer or
5 director but I am a member of Lina'la Sin
6 Casino." Who are the officers and directors of
7 Lina'la Sin Casino?

8 A I'm aware that Dr. Jose Cruz is the
9 President.

10 Q Who are the other officers or
11 directors?

12 A I don't know, I don't remember right
13 now.

14 Q Have you at any time ever been an
15 officer or director of Lina'la Sin Casino?

16 A No.

17 Q What is your role, position, or title
18 with Lina'la Sin Casino?

19 A I have been a spokesperson.

20 Q When you say, "I have been a
21 spokesperson," what duties and
22 responsibilities does that encompass?

23 A It involves researching articles and
24 providing releases.

25 Q Do you have the authority to speak on

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1 behalf of Lina'la Sin Casino?

2 A I can't answer that question.

3 Q Why can't you answer that question?

4 A Can I speak with my attorney for a
5 minute?

6 Q No.

7 A Okay. In discussions with the
8 President, he has allowed me to speak for the
9 organization.

10 Q Has anyone other than Mr. Cruz, given
11 you the authority to speak for the
12 organization?

13 A I can't remember.

14 Q As you sit here today, you do not
15 recall anyone other than Mr. Cruz giving you
16 authority to speak for the organization Lina'la
17 Sin Casino, is that correct?

18 A Not today, I don't remember. I can't
19 recall if anyone else other than the doctor.

20 Q At least somewhere in your motion you
21 say that there are 28 members of Lina'la Sin
22 Casino, is that correct?

23 A (pauses)

24 Q I'm sorry it's on page 4 paragraph, 12.

25 A Yes.

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1 Q Earlier when you said that Mr. Cruz
2 gave you the authority to speak on behalf of
3 Lina'la Sin Casino, when was that?

4 A Starting 2004.

5 Q Beginning in January of 2004? Or do
6 you remember the month?

7 A 2004.

8 Q Where can I find a copy of this list of
9 the 28 members?

10 A I'm sure Dr. Cruz has it.

11 Q The reason I ask, is that you say in
12 your affidavit that you did send it to all 28
13 members of Lina'la Sin Casino, the press
14 release, is that correct?

15 MS. ARRIOLA: No, I think that
16 mischaracterizes her testimony.

17 MR. VOSS: Well, perhaps I'm
18 misunderstanding this here. In the sentence in
19 paragraph 12, it could either be read to say
20 that you sent the information to 28 members of
21 Lina'la or that they are all witnesses,
22 potential witnesses in this matter.

23 A Potential witnesses.

24 BY MR. VOSS:

25 Q With all due respect Ms. Marati, if you

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1 And I'm going to instruct the witness not to
2 answer.

3 MR. VOSS: The affidavit that was
4 prepared, with all due respect by you Ms.
5 Arriola, states, "I and other Lina'la members
6 successfully organized and campaigned in the
7 2004 general election to defeat initiative to
8 legalize casino gambling in Guam."

9 And I'm entitled, absolutely under the
10 rules, to ask her about the factual background
11 of statements that you have made in your
12 motion, in your affidavit. So let me ask you,
13 using the specific words then of your
14 affidavit.

15 BY MR. VOSS:

16 Q What did you, as spokesperson for
17 Lina'la Sin Casino in the 2004 election, do to
18 successfully organize and campaign to defeat
19 that initiative?

20 A We participated in numerous outreach
21 programs, meetings, advertising, releases to
22 inform and educate the public about the
23 contents of the initiative.

24 Q Did any of those releases to inform and
25 educate the public include releases regarding

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1 ambiguous. I'm not trying to be obstructionist
2 here Bruce, but you know, first you haven't
3 established the information that she learned
4 from the articles in the links and then you're
5 making a leap of, then what did she do to
6 verify it? That's why I think it's very vague
7 and ambiguous.

8 MR. VOSS: Fair enough, we'll go back.

9 BY MR. VOSS:

10 Q With respect to Mr. Paoa, what did you
11 learn regarding the -- regarding him with
12 respect to the links in the Baker e-mail?

13 A His associations with the other
14 individuals that were so listed in that e-mail.

15 Q Anything else?

16 A No.

17 Q Then, the follow up question that Ms.
18 Arriola suggested. In the name search
19 regarding Mr. Paoa -- what, if anything, did
20 you learn that confirmed or did not confirm his
21 association with the members listed in the
22 Baker e-mail?

23 A Didn't I just answer that?

24 Q This is the question your counsel
25 suggest that I ask.

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1 hope that Pacific Daily News did with it?

2 A They would take the press release, they
3 would work on the information contained and
4 also work to verify it as well.

5 Q You wanted them to write a story about
6 it, correct?

7 A Using their research.

8 Q Please, answer the question, and then
9 you can add whatever qualifications that you
10 want. You wanted the Pacific Daily News to
11 write a story relating to the information in
12 your press release, yes?

13 A That was the intention, yes.

14 Q At the time you sent it to the Pacific
15 Daily News, you knew that they had a
16 circulation that included Guam and other
17 locations, yes?

18 A Guam.

19 Q Okay. The time that you sent it to the
20 Pacific Daily News, you were aware that the
21 Pacific Daily News has a website, yes?

22 A I'm aware they have a website.

23 Q The time that you sent the press
24 release to the Pacific Daily News, you were
25 aware that news articles from the Pacific Daily

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1 MS. ARRIOLA: Objection.

2 BY MR. VOSS:

3 Q Yes or no?

4 MS. ARRIOLA: Same objection, vague,
5 ambiguous, calls for speculation. As well as
6 asked and answered. She already answered it.

7 MR. VOSS: She'd been asked, it sure as
8 heck hasn't been answered.

9 MS. ARRIOLA: It sure has been.

10 BY MR. VOSS:

11 Q Yes or no?

12 MS. ARRIOLA: She said --

13 A I'm sorry, I don't know.

14 BY MR. VOSS:

15 Q What -- next organization you sent it
16 to was Marianas Variety, why did you send it to
17 the Marianas Variety?

18 A They also publish in Guam.

19 Q What did you expect the Marianas
20 Variety to do with this information in your
21 press release?

22 A Similar to the Guam Pacific Daily News,
23 that they would get the information and verify
24 it themselves.

25 Q You knew that the Marianas Variety had

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1 a website in which their articles were
2 published and available through the internet,
3 yes?

4 A Yes.

5 Q You understood that people in Hawaii
6 and elsewhere in the world would be able to
7 read that story, yes?

8 A I don't know.

9 Q Let's go a little bit about your
10 knowledge of how the internet works. Do you
11 think that people in Hawaii are sealed off from
12 the internet?

13 MS. ARRIOLA: Objection, vague,
14 ambiguous, argumentative, calls for
15 speculation.

16 BY MR. VOSS:

17 Q You've been to Hawaii, yes?

18 A (no audible response)

19 Q Yes?

20 A Yes, I have been to Hawaii.

21 Q Access the internet while you were in
22 Hawaii?

23 A I don't recall using it when I was
24 there.

25 Q What is your understanding of how the

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